

Remarks

Applicant has amended independent claim 5 to recite that in a method for optimizing the maintenance of assets and production there is transmitted in response to the maintenance schedule defined for a maintenance action a request to a system that schedules production for a period of time in a production schedule to perform the maintenance action.

Applicant has amended independent claim 10 to recite that in a method for optimizing the maintenance of assets and production there is a request in response to a maintenance trigger indicative of a maintenance action a request for a period of time in a production schedule to perform the maintenance action; and a determination using predetermined criteria related to the production and in response to the request for the period of time in the production schedule to perform the maintenance action a time for performance of the maintenance action.

Applicant has amended independent claim 19 to recite that in a system for optimizing the maintenance of assets and production there is a means that transmits in response to the maintenance schedule defined for a maintenance action a request to the system that schedules production for a period of time in a production schedule to perform the maintenance action.

Applicant has amended claim 21 to recite that in a system for optimizing the maintenance of assets and production there is a maintenance scheduling system that in response to a maintenance trigger generates a request for a period of time in the production scheduling system to perform the maintenance action and a means that responds to the request for a period of time to perform the maintenance action in the production system for determining by use of a predetermined criteria related to the production and the time to perform maintenance action a time for performance of the maintenance action and transmitting the time for performance of the maintenance action to the production scheduling system.

The amendments to claims 5, 10, 19 and 21 do not introduce new matter as they are each fully supported by the application as filed, see for example, Fig. 2 and the description of that figure that begins on line 29 on page 16 and more particularly the description that starts at line 18 on page 17.

Applicant has amended the Summary of the Invention so that it is consistent with the amendments made herein to independent claims 5, 10, 19 and 21. Applicant has amended the specification at various other places to insert missing punctuation and to reformat one sentence so it is easier to read.

The Rejection of the Claims Under 35 U.S.C. 102(e)

In the present Office Action which is in response to the Rule 111 Amendment filed on April 23, 2004 ("Rule 111 Amendment") and was made final, the Examiner has rejected claims 5-16 and 19-21 as anticipated by the previously cited Hohkibara et al. Applicant respectfully points out to the Examiner that after entry of the Rule 111 Amendment this application had claims 5-16 and 19-22 and therefore in this response applicant will refer to those claims.

With respect to claims 5-16, the Examiner refers in Hohkibara et al. to column 3, lines 17-25 and says that "Hohkibara very broadly explain the method of maintenance and production schedules, as well as maintaining the production while the maintenance of the assets is in progress." With respect to claims 19-22 the Examiner refers in Hohkibara et al. to column 2, lines 50-53 as disclosing a system to "optimize maintenance of assets and production."

All that Hokibara et al. describe at column 3, lines 17-25 is a scheduling management system that has three or more scheduling units and that there may be provided a short range scheduling unit "so that the amount of lots processed in each step can be estimated, and maintenance works of each apparatus or machine can be scheduled to be conducted in such a period of time that does not affect the progress of the lots." All that

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Hokibara et al. describe at column 2, lines 50-53 is that it is another object of their "invention to provide a computer-readable storage medium containing such a production scheduling management method as (a) program(s)."

In response to the arguments made by applicant in the Rule 111 Amendment, the Examiner takes the broadest meaning of the words "a blocking order" which applicant notes no longer appear in any of the independent claims. The Examiner also refers to the passage in the Abstract of Hokibara et al. that states "a work scheduling unit that receives the short-range production schedule and work scheduling information, produces a work schedule so as to fulfill the short-range production schedule, while taking account of **conditions of each machine** and conditions of each lot, and **generates work schedule**" (emphasis added by the Examiner).

In none of the portions of Hokibara et al. cited by the Examiner does that reference describe with any specificity how the work scheduling unit described therein takes into account the conditions of each machine. Thus, nowhere do Hokibara et al. teach, disclose or even suggest that which is taught and claimed by applicant as described above in their amended independent claims. Therefore applicant submits that the independent claims as amended herein and the claims dependent thereon should be allowable over Hokibara et al.

Entry of this Amendment is respectfully requested as it will place this application in a condition for allowance.

**\*\*\*Signature and Certificate of Mailing Appear  
On The Following Page\*\*\***

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Respectfully submitted,

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on the 20th day of October, 2004.

Respectfully, Debra Rietze

Date: October 20, 2004